

199—43.4(476) Procedures. The following procedures shall govern the board’s review of broadband initiative plans:

43.4(1) *Written notice of a broadband initiative plan.* At least 30 days prior to a carrier’s implementation of the price increase permitted by Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, and prior to filing its initial broadband initiative plan, a carrier shall mail or deliver to all affected customers a written notice of its intent to file a plan. A copy of the notice shall also be filed with the board at the time the notice is sent to all affected customers. The notice shall, at a minimum, include the following elements:

a. The monthly price increase to be implemented pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, and the date for implementation.

b. A statement that the carrier will be filing a broadband initiative plan with the board pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6.

c. The telephone numbers and addresses of carrier personnel, the board, and the consumer advocate for customers to contact with questions.

d. A statement describing the application of a credit, in an amount equal to the amount of the proposed residential service increase, to the monthly local exchange service rate for qualified applicants for low-income lifeline assistance programs.

A carrier shall file its broadband initiative plan within 60 days of the date that the notice is filed with the board.

43.4(2) *Plan review procedures.* The board shall issue an order approving, rejecting, or docketing a broadband initiative plan no later than 90 days after the plan is filed with the board. However, if the board seeks additional information from a carrier that submits a proposed plan, the 90-day period shall not commence until all such information has been filed with the board.

a. Supporting documents shall be filed with each carrier’s application for approval of a broadband initiative plan.

b. Responses to a proposed plan shall be filed with the board within 10 days after the date on which the plan or any additional information sought pursuant to paragraph 43.4(2) “a” is filed.

c. If the board docketed a plan for further investigation, the plan shall be docketed as a formal contested case proceeding by the board and the procedures set forth in 199—Chapter 7 of these rules will apply.

43.4(3) *Price increases.* A carrier may implement a price increase for selected classes of customers. The price increase for any particular class of residential or business customers shall be a uniform increase across the carrier’s Iowa service territory unless otherwise ordered by the board. A carrier electing to participate in the broadband initiative shall file a revised tariff with the board that reflects the proposed price increase for residential or business customers, as allowed by Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6.

43.4(4) *Interim approval.* While the proposed plan is under review, the board may grant interim approval to specific projects included in the proposed plan. Projects to be considered for interim approval may include, but are not limited to, the deployment of advanced telecommunications services into areas where advanced telecommunications services are unavailable in any part of the carrier’s local exchanges.

43.4(5) *Modification of a plan.* The consumer advocate, the carrier, or a third-party intervenor may propose modification of a carrier’s plan at any time. The board, on its own motion, may consider modification of a carrier’s plan. All applications to modify a plan shall be filed in the same docket in which the original plan was filed. The board shall issue an order docketing, approving, or rejecting a proposed modification within 30 days of the date the proposed modification is filed. If the board rejects or modifies a carrier’s plan, the board may require the carrier to file a modified plan and may specify the minimum acceptable contents of the modified plan. A carrier may withdraw its proposed plan at any time.

a. Reasons for modifying or rejecting a plan may include, but are not limited to, the following:

(1) A demonstration that advanced telecommunications services are already available at affordable rates in a substantial portion of the area(s) where the services are proposed to be deployed;

(2) A demonstration that significant investment by a third party has been committed for the deployment of advanced telecommunications services in one or more of the areas specified in the plan, and advanced telecommunications services will be offered in those areas within a reasonable time; or

(3) A demonstration that the deployment of advanced telecommunications services in one or more of the areas specified in the plan may no longer be cost-effective.

b. The carrier shall file an application to modify its plan if either of the following conditions occurs or is projected to occur during the life of the plan:

(1) The total plan budget has changed or will change by a factor of plus or minus 10 percent.

(2) An approved project is proposed to be eliminated or a new project is proposed to be added.

43.4(6) *Refunds.* If a carrier withdraws its plan prior to the completion of the plan, the carrier shall refund all unspent revenues to existing customers in a manner to be approved by the board and at a rate of interest to be determined by the board, but not to exceed the interest rate allowed in Iowa Code section 476.6(13).